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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

RONEE SUE BLAKLEY, Plaintiff and Appellant, v. CARROLL CARTWRIGHT, Defendant and Respondent.	B266415 (Los Angeles County Super. Ct. No. BC543217)

APPEAL from the judgment of the Superior Court of Los Angeles County. Rafael A. Ongkeko, Judge. Affirmed.

Ronee Sue Blakley, in pro. per., for Plaintiff and Appellant.

Davis Wright Tremaine, Kelli L. Sager and Dan Laidman for Defendant and Respondent.

* * * * * * * * * *

Plaintiff and appellant Ronee Sue Blakley, in propria persona, appeals from the June 5, 2015 order awarding statutory attorney fees to defendant and respondent Carroll Cartwright pursuant to Code of Civil Procedure section 425.16, subdivision (c)(1). We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff filed this libel action against defendant in April 2014, based on alleged defamatory material in a screenplay that defendant co-wrote. Defendant filed a special motion to strike pursuant to Code of Civil Procedure section 425.16, subdivision (b). After extensive briefing by the parties and oral argument, the trial court granted defendant's motion.

Defendant then filed a motion for statutory fees pursuant to Code of Civil Procedure section 425.16, subdivision (c)(1), as well as a memorandum of costs. Plaintiff did not move to tax or strike any costs, but did file an opposition to defendant's fee motion.

On June 5, 2015, the court heard lengthy oral argument, and took the motion under submission. Later that day, the court issued its written order, finding that defendant was entitled to requested costs of $1,842.75 "by operation of law" in light of plaintiff's failure to move to tax or strike any of the itemized litigation costs. The court awarded $209,669 in statutory attorney fees. The court granted plaintiff a stay of enforcement until "10 days beyond the last date on which a notice of appeal could be filed."

Plaintiff filed an untimely notice of appeal of the court's order granting defendant's special motion to strike (case No. B263536). On February 4, 2016, we dismissed plaintiff's untimely appeal for lack of jurisdiction. Plaintiff sought review of

the dismissal in the Supreme Court which was denied, and the remittitur issued in that appeal on June 2, 2016.

On August 4, 2015, plaintiff filed a timely notice of appeal of the court's order awarding attorney fees. Plaintiff filed an opening brief and two volumes of an appellant's appendix, consisting of 476 pages. Plaintiff did not designate any reporter's transcript, including the June 5, 2015 hearing on defendant's fee motion.

Defendant moved to augment the appellate record with a copy of the June 5, 2015 transcript, and we granted that request. Plaintiff moved to augment the record and requested we take judicial notice of numerous documents, including the "thousands of pages" from the underlying superior court file, and the file in the related appeal (case No. B263536). Plaintiff also submitted a declaration as well as a third appendix volume with her reply brief. Defendant moved to strike the declaration and the additional volume of documents.

We deny plaintiff's request for judicial notice and grant defendant's motion to strike plaintiff's declaration and proposed third appendix volume. We will not consider documents that were not before the trial court at the time of its ruling, nor documents irrelevant to resolution of the question on appeal. (See *In re Zeth S.* (2003) 31 Cal.4th 396, 405 ["It has long been the general rule and understanding that 'an appeal reviews the correctness of a judgment as of the time of its rendition, upon a record of matters which were before the trial court for its consideration.' "]; see also Cal. Rules of Court, rule 8.124(b)(3)(A) ["An appendix must not . . . [¶] [c]ontain documents or portions of documents filed in superior court that are unnecessary for proper consideration of the issues."].)

DISCUSSION

We begin with the well-established foundational premise that " '[a] judgment or order of the lower court is *presumed correct*. All intendments and presumptions are indulged to support it on matters as to which the record is silent, and error must be affirmatively shown. This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.' [Citations.]" (*Denham v. Superior Court of Los Angeles County* (1970) 2 Cal.3d 557, 564; accord, *Moreno v. City of King* (2005) 127 Cal.App.4th 17, 30.) And, unless otherwise shown, "it is presumed that the court followed the law." (*Wilson v. Sunshine Meat & Liquor Co*. (1983) 34 Cal.3d 554, 563.)

Moreover, California Rules of Court, rule 8.204(a)(1) provides, in relevant part, that "[e]ach brief must . . . [¶] . . . support each point by argument and, if possible, by citation of authority; and [¶] . . . [s]upport any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears." Where a party fails to support a contention with the necessary citations to the record or reasoned argument, that contention is deemed forfeited. (See, e.g., *Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785; accord, *Ojavan Investors, Inc. v. California Coastal Commission* (1997) 54 Cal.App.4th 373, 391; *Kim v. Sumitomo Bank* (1993) 17 Cal.App.4th 974, 979.)

These rules apply to both represented litigants and litigants acting without the assistance of counsel. As our Supreme Court has explained, "[e]xcept when a particular rule provides otherwise, the rules of civil procedure must apply equally to parties represented by counsel and those who forgo

attorney representation." (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985; accord, *Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 543 ["Pro. per. litigants are held to the same standards as attorneys."].)

There are no citations to the record in plaintiff's briefs as required by California Rules of Court, rule 8.204(a)(1). At most, plaintiff at various points in her briefs suggests this court must look at the whole file and all of the underlying filings and pleadings to determine the impropriety of the court's ruling on the fee motion. We will not do so as an "appellate court is not required to search the record on its own seeking error." (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246; accord, *McComber v. Wells* (1999) 72 Cal.App.4th 512, 522 [" 'reviewing court is not required to make an independent, unassisted study of the record in search of error or grounds to support the judgment' "].)

Not only did plaintiff fail to cite to the record, plaintiff wholly failed to affirmatively show error, or make any reasoned argument as to how the trial court abused its discretion in awarding fees. At most, plaintiff makes a conclusory statement in the conclusion of her opening brief that "[e]very bill of time spent it [*sic*] false, statements are lies, and all wrongdoings render any work done unchargeable." Plaintiff, both in the trial court and in this court, focuses only on attempts to re-argue the *merits* of the special motion to strike which is not before this court. That separate ruling became final as of the filing of the remittitur on June 2, 2016. Accordingly, we affirm the court's order awarding defendant fees.

DISPOSITION

The trial court's June 5, 2015 order awarding statutory attorney fees to defendant and respondent Carroll Cartwright is

affirmed. Defendant and respondent shall recover costs of appeal.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

FLIER, J.